

Executive Summary – Enforcement Matter – Case No. 49275
TPC Group LLC
RN104964267
Docket No. 2014-1301-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Port Neches Operations C4 Plant, 2102 Spur 136, Port Neches, Jefferson County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$45,750

Amount Deferred for Expedited Settlement: \$9,150

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$36,600

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 8, 2014

Date(s) of NOE(s): August 19, 2014

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Docket No. 2014-1301-AIR-E

Violation Information

Failed to comply with the Maximum Allowable Emissions Rates ("MAERs"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") annual emissions rate of 45.90 tons per year ("tpy") based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from November 2011 through September 2013, the carbon monoxide ("CO") annual emissions rate of 29.14 tpy based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from August 2011 through December 2013, and the nitrogen oxides ("NOx") annual emissions rate of 5.66 tpy based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from August 2011 through December 2013, resulting in 87.45 tons of unauthorized VOC, 41.24 tons of unauthorized CO, and 8.13 tons of unauthorized NOx [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), New Source Review Permit No. 20485, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 01327, General Terms and Conditions and Special Terms and Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 1, 2013, the Respondent implemented measures and procedures designed to comply with the MAERs for VOCs at the North/South Flare.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement measures and procedures designed to comply with the MAERs for CO and NOx for the North/South Flare at the Plant; or
 - ii. Submit an administratively complete permit amendment application to increase the MAERs for CO and NOx.
- b. If a permit amendment application is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.i. or a.ii.;

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d. If a permit amendment application is submitted, then within 180 days, submit written certification below that either a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Raime Hayes-Falero, Enforcement Division, Enforcement Team 4, MC R-12, (713) 767-3567; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Gaylon Williams, Plant Manager, TPC Group LLC, 2102 Spur 136, Port Neches, Texas 77651
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Aug-2014	Screening	5-Sep-2014	EPA Due	16-May-2015
	PCW	12-Dec-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	TPC Group LLC
Reg. Ent. Ref. No.	RN104964267
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49275	No. of Violations	1
Docket No.	2014-1301-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raime Hayes-Falero
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	83.0% Enhancement	Subtotals 2, 3, & 7	\$20,750
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Notes: Enhancement for one NOV with same or similar violations and four orders with denial of liability. Reduction for two notices of intent to conduct an audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$4,740
Estimated Cost of Compliance: \$25,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$45,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$45,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$45,750
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DEFERRAL	20.0% Reduction	Adjustment	-\$9,150
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$36,600
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Screening Date 5-Sep-2014

Docket No. 2014-1301-AIR-E

PCW

Respondent TPC Group LLC

Policy Revision 2 (September 2002)

Case ID No. 49275

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 83%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations and four orders with denial of liability.
Reduction for two notices of intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 83%

Screening Date 5-Sep-2014

Docket No. 2014-1301-AIR-E

PCW

Respondent TPC Group LLC

Policy Revision 2 (September 2002)

Case ID No. 49275

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), New Source Review Permit No. 20485, Special Conditions No. 1, Federal Operating Permit No. O1327, General Terms and Conditions and Special Terms and Conditions No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emissions rates. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") annual emissions rate of 45.90 tons per year ("tpy") based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from November 2011 through September 2013, the carbon monoxide ("CO") annual emissions rate of 29.14 tpy based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from August 2011 through December 2013, and the nitrogen oxides ("NOx") annual emissions rate of 5.66 tpy based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from August 2011 through December 2013, resulting in 87.45 tons of unauthorized VOC, 41.24 tons of unauthorized CO, and 8.13 tons of unauthorized NOx.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 10

883 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$25,000

Ten quarterly events are recommended for the period of non-compliance from August 1, 2011 to December 31, 2013.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,740

Violation Final Penalty Total \$45,750

This violation Final Assessed Penalty (adjusted for limits) \$45,750

Economic Benefit Worksheet

Respondent TPC Group LLC
Case ID No. 49275
Reg. Ent. Reference No. RN104964267
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	1-Aug-2011	16-May-2015	3.79	\$4,740	n/a	\$4,740

Notes for DELAYED costs

Estimated costs to implement measures and/or procedures designed to comply with the maximum allowable emissions rates at the North/South Flare at the Plant. The Date Required is the violation start date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$4,740



Compliance History Report

PENDING Compliance History Report for CN603624289, RN104964267, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN603624289, TPC Group LLC

Classification: SATISFACTORY

Rating: 4.01

Regulated Entity:

RN104964267, PORT NECHES OPERATIONS
C4 PLANT

Classification: SATISFACTORY

Rating: 6.46

Complexity Points:

23

Repeat Violator: NO

CH Group:

05 - Chemical Manufacturing

Location:

2102 SPUR 136 PORT NECHES, TX 77651-4313, JEFFERSON COUNTY

TCEQ Region:

REGION 10 - BEAUMONT

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER P07062

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000069476

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87942

AIR OPERATING PERMITS ACCOUNT NUMBER JEA007G

AIR OPERATING PERMITS PERMIT 1327

AIR NEW SOURCE PERMITS REGISTRATION 79464

AIR NEW SOURCE PERMITS PERMIT 20485

AIR NEW SOURCE PERMITS REGISTRATION 80323

AIR NEW SOURCE PERMITS REGISTRATION 12599

AIR NEW SOURCE PERMITS REGISTRATION 13377

AIR NEW SOURCE PERMITS REGISTRATION 71986

AIR NEW SOURCE PERMITS REGISTRATION 78199

AIR NEW SOURCE PERMITS REGISTRATION 79198

AIR NEW SOURCE PERMITS REGISTRATION 79122

AIR NEW SOURCE PERMITS REGISTRATION 85193

AIR NEW SOURCE PERMITS REGISTRATION 89677

AIR NEW SOURCE PERMITS REGISTRATION 107811

AIR NEW SOURCE PERMITS REGISTRATION 110141

AIR NEW SOURCE PERMITS REGISTRATION 122885

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JEA007G

AIR NEW SOURCE PERMITS AFS NUM 4824500715

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
35486

STORMWATER PERMIT WQ0004840000

STORMWATER EPA ID TX0129887

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JEA007G

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
(SWR) 87942

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: October 28, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 28, 2009 to October 28, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Raime Hayes-Falero

Phone: (713) 767-3567

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/04/2010 ADMINORDER 2009-1819-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126687) on July 12, 2009, a leak due to external corrosion on the crude butadiene transfer line (Emissions Point No. ["EPN"] C4FUG) released 1,153.49 pounds ("lbs") of unauthorized volatile organic compounds ("VOC") over a four hour period. Since the final report was not timely submitted, and because these emissions could have been avoided by better maintenance practices,

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126850) on July 15, 2009, an overhead purge line associated with EPN C4FUG was improperly left open, and this resulted in the release of 467.83 lbs of unauthorized VOC over a fifteen minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to maintain emissions below allowable emission limits. Specifically, during an emissions event (Incident No. 126832) on July 15, 2009, the relief valve on Tank 2 (EPN C4FUG) lifted due to overpressure when filling the tank from a barge and released 1,126.64 lbs of unauthorized VOC emissions over a one minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2(F) OP

Description: Failed to submit a final report within two weeks of the end of an emissions event, as documented during an investigation conducted on August 24, 2009. Specifically, an emissions event occurred on July 12, 2009 (Incident No. 126687), and the final report was due on July 27, 2009, but was not submitted until July 29, 2009.

2 Effective Date: 02/25/2012 ADMINORDER 2011-0682-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Condition 17 OP

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 149286) that occurred on January 10, 2011, and lasted approximately 45 minutes, the Respondent released approximately 150 pounds ("lbs") of volatile organic compounds and 113 lbs of 1,3-butadiene from the South Unit Depentanizer Tower S2D6 overheads to Tank 17. The event occurred due to a pin hole leak that resulted from corrosion which developed in the pipeline.....

3 Effective Date: 03/18/2012 ADMINORDER 2011-1090-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Condition 17 OP

Description: Failed to open the inside fill valve on Tank 100 prior to unloading a barge on March 20, 2011. Specifically, when the unloading began, the inside fill valve which is normally opened during unloading was closed. Consequently, when material was directed to Tank 100, flow to the tank was blocked. This resulted in overpressure to the tank water knockout pot causing the Pressure Relief Valve to vent to the atmosphere. Because the event could have been avoided by better operating practices, the Re

4 Effective Date: 06/13/2014 ADMINORDER 2013-1377-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Pending Compliance History Report for CN603624289, RN104964267, Rating Year 2014 which includes Compliance History (CH) components from October 28, 2009, through October 28, 2014.

5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SPECIAL CONDITION 1 PERMIT
 SPECIAL CONDITION 19 OP
 Description: Failure to maintain an emission rate below the allowable emission limit.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SPECIAL CONDITION 1 PERMIT
 SPECIAL CONDITION 19 OP
 Description: Failure to comply with the maximum allowable emission rate of 15.56 pounds per hour of VOC for EPN C4FUG.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 12, 2009	(782113)
Item 2	November 18, 2009	(822117)
Item 3	November 24, 2009	(781526)
Item 4	December 10, 2009	(822118)
Item 5	December 23, 2009	(782440)
Item 6	January 18, 2010	(822119)
Item 7	February 18, 2010	(791936)
Item 8	February 19, 2010	(822112)
Item 9	February 23, 2010	(793188)
Item 10	March 17, 2010	(837108)
Item 11	March 19, 2010	(792862)
Item 12	April 20, 2010	(837109)
Item 13	April 26, 2010	(796060)
Item 14	May 06, 2010	(796569)
Item 15	May 13, 2010	(837110)
Item 16	June 11, 2010	(848171)
Item 17	July 05, 2010	(829574)
Item 18	July 20, 2010	(862660)
Item 19	August 19, 2010	(869241)
Item 20	September 16, 2010	(876127)
Item 21	October 20, 2010	(883726)
Item 22	November 11, 2010	(890081)
Item 23	December 16, 2010	(898486)
Item 24	December 22, 2010	(872184)
Item 25	January 18, 2011	(904333)
Item 26	January 20, 2011	(878902)
Item 27	February 12, 2011	(895267)
Item 28	February 22, 2011	(899329)
Item 29	March 16, 2011	(911216)
Item 30	April 14, 2011	(931749)
Item 31	May 19, 2011	(940237)
Item 32	June 02, 2011	(921797)
Item 33	June 20, 2011	(947613)
Item 34	July 15, 2011	(924020)
Item 35	August 19, 2011	(954876)
Item 36	September 13, 2011	(967597)
Item 37	October 12, 2011	(973529)
Item 38	November 07, 2011	(979654)
Item 39	December 06, 2011	(986509)

Pending Compliance History Report for CN603624289, RN104964267, Rating Year 2014 which includes Compliance History (CH) components from October 28, 2009, through October 28, 2014.

Item 40	December 13, 2011	(962166)
Item 41	January 12, 2012	(992884)
Item 42	January 25, 2012	(977108)
Item 43	February 02, 2012	(1000234)
Item 44	March 27, 2012	(993738)
Item 45	April 17, 2012	(1012290)
Item 46	May 08, 2012	(1018690)
Item 47	May 16, 2012	(1001635)
Item 48	June 05, 2012	(1026424)
Item 49	July 09, 2012	(1033756)
Item 50	July 14, 2012	(1014969)
Item 51	August 01, 2012	(1040299)
Item 52	September 12, 2012	(1049286)
Item 53	October 03, 2012	(1070948)
Item 54	October 13, 2012	(1027811)
Item 55	November 06, 2012	(1070949)
Item 56	December 11, 2012	(1070950)
Item 57	January 02, 2013	(1037762)
Item 58	January 10, 2013	(1083750)
Item 59	February 05, 2013	(1051224)
Item 60	February 11, 2013	(1083749)
Item 61	March 18, 2013	(1091603)
Item 62	April 08, 2013	(1097953)
Item 63	May 07, 2013	(1086378)
Item 64	May 14, 2013	(1108986)
Item 65	May 23, 2013	(1092466)
Item 66	June 11, 2013	(1112539)
Item 67	June 29, 2013	(1099020)
Item 68	July 15, 2013	(1119504)
Item 69	July 29, 2013	(1101667)
Item 70	August 19, 2013	(1127251)
Item 71	September 13, 2013	(1131778)
Item 72	October 04, 2013	(1137546)
Item 73	November 15, 2013	(1142961)
Item 74	December 17, 2013	(1149362)
Item 75	January 15, 2014	(1155472)
Item 76	February 18, 2014	(1162794)
Item 77	March 10, 2014	(1169389)
Item 78	April 16, 2014	(1176592)
Item 79	May 14, 2014	(1182842)
Item 80	June 17, 2014	(1189710)
Item 81	July 09, 2014	(1179917)
Item 82	July 16, 2014	(1201782)
Item 83	August 18, 2014	(1201783)
Item 84	October 14, 2014	(1173457)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/19/2014	(1187134)	CN603624289	
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 1 PERMIT Special Terms and Condition 19 OP			
	Description:	Failure to maintain emission limits. B19g1			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			

Pending Compliance History Report for CN603624289, RN104964267, Rating Year 2014 which includes Compliance History (CH) components from October 28, 2009, through October 28, 2014.

Description: 5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 36 PERMIT
Special Terms and Conditions 19 OP
Failure to monitor per method. B1

F. Environmental audits:

Notice of Intent Date: 11/04/2013 (1132413)
No DOV Associated

Notice of Intent Date: 09/18/2014 (1198081)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TPC GROUP LLC
RN104964267**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1301-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TPC Group LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing plant at 2102 Spur 136 in Port Neches, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 24, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-Five Thousand Seven Hundred Fifty Dollars (\$45,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Six Thousand Six Hundred Dollars (\$36,600) of the administrative penalty and Nine Thousand One

Hundred Fifty Dollars (\$9,150) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on October 1, 2013, the Respondent implemented measures and procedures designed to comply with the Maximum Allowable Emissions Rate ("MAER") for volatile organic compounds ("VOC") at the North/South Flare at the Plant.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), New Source Review Permit No. 20485, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 01327, General Terms and Conditions and Special Terms and Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 8, 2014. Specifically, the Respondent exceeded the VOC annual emissions rate of 45.90 tons per year ("tpy") based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from November 2011 through September 2013, the carbon monoxide ("CO") annual emissions rate of 29.14 tpy based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from August 2011 through December 2013, and the nitrogen oxides ("NOx") annual emissions rate of 5.66 tpy based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from August 2011 through December 2013, resulting in 87.45 tons of unauthorized VOC, 41.24 tons of unauthorized CO, and 8.13 tons of unauthorized NOx.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TPC Group LLC, Docket No. 2014-1301-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order;
 - i. Implement measures and procedures designed to comply with the MAERs for CO and NOx for the North/South Flare at the Plant; or
 - ii. Submit an administratively complete permit amendment application to increase the MAERs for CO and NOx, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit amendment application is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below to demonstrate compliance with Ordering Provision No. 2.a.i. or 2.a.ii.;

- d. If a permit amendment application is submitted, then within 180 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below that either a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and
- e. The certifications required by Ordering Provision Nos. 2.c. and 2.d shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

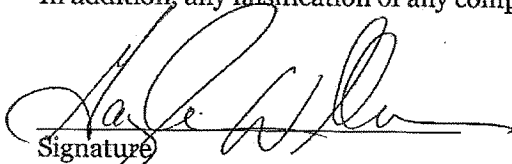
5/29/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

APRIL 28, 2015
Date

GAYLON WILLIAMS
Name (Printed or typed)
Authorized Representative of
TPC Group LLC

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

GW